

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

JOB ORDER NUMBER: 42-0015

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 8457
A STREET TOWNHOMES - PROJECT NO. 2403
CITY COUNCIL

This Site Development Permit No. 8457, is granted by the City Council of the City of San Diego to Michael Kootchick, Owner/Permittee, pursuant to Section 126.0504 of the Municipal Code of the City of San Diego. The 0.45 site is located at 2761 through 2771 in the GH-1500 Zone within the Golden Hill Planned Community Plan Area. The project site is legally described as a portion of Lot 8 and Lots 9 -13, Block 59, H.M. Higgins Addition, Map No. 309.

Subject to the terms and conditions set forth in this permit, permission is granted to the Owner to develop the site with a thirteen-unit apartment complex described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated _____ on file in the Office of the Development Services Department. The facility shall include:

- a. Five two-story, two and three unit townhome buildings totaling 19,024 square-feet including a deviation from the maximum 30-foot height limit allowing for 38 feet ;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. The abandonment and relocation and dedication of an existing drainage easement; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction or grading must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated _____, on file in the Office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a

determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Environmental Impact Report or Mitigated Negative Declaration, Project No. 42-0015, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Noise
Cultural Resources
Paleontological Resources
Hydrology/Water Quality

PLANNING/DESIGN REQUIREMENTS:

11. No fewer than 28 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated _____, on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

12. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

13. The heights of the buildings shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections). A height deviation has been granted with this Site Development Permit to allow the building heights to be a maximum of 38-feet.

14. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

15. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

16. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Development Services Department Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

17. The project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000.
18. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
19. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be re-designed.
20. The developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Metropolitan Wastewater Department Director. Minimum easement width for sewer mains with manholes - 20 feet. The easements shall be located within single lots.
21. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director. Vehicular access roadbeds to sewer mains with laterals shall be a minimum 24 foot wide and paved full width.
22. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
23. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
24. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
25. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
26. If the units are proposed to be converted to private ownership at a later date, the developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one ownership.
27. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and the removal of all existing unused services within the A Street right-of-way adjacent to the project site, as needed, in a manner satisfactory to the Water Department Director and the City Engineer. No water meters shall be located within any vehicular use area.

28. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of private back flow prevention device(s), as required, in a manner satisfactory to the Water Department Director and the City Engineer.

29. All on-site water facilities shall be private including irrigation systems. Prior to the issuance of any building permits, the Owner/Permittee shall obtain encroachment maintenance and removal agreements for all private water facilities within the public right-of-way.

30. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

31. A Development Impact Fee (DIF) of \$23,660 is required for this project and is due at the time of building permit issuance. This fee is based upon the number of dwelling units being built (13), times the total DIF per unit (\$1,820).

32. Prior to the recording of this permit, the applicant shall grant to the San Diego Unified Port District an aviation easement for the purpose of maintaining all aircraft approach paths to Lindbergh Field. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement. A copy of the aviation easement shall be attached to this permit when the permit has been signed and notarized and is returned to the Office of the Development Services Department for recording with the Office of the San Diego County Recorder.

33. Prior to submitting building plans to the City for review, the applicant shall place a note on all building plans indicating that an aviation easement has been granted across the property. The note shall include the Office of the San Diego County Recorder's recording number for the aviation easement.

34. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

35. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

36. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

37. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

38. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

39. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Refuse and Recyclable Materials Storage Regulations (Municipal Code Section 142.0801) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

LANDSCAPE REQUIREMENTS:

40. Prior to building occupancy complete landscape and irrigation shall be installed on the property in conformance to the approved Exhibit A, dated_____, on file in the Development Services Department.

41. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

42. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A", Landscape Concept Plan, on file in the Office of Planning and Development Review. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area".

43. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents (including planting and irrigation plans, details and specifications) consistent with the Landscape Standards Manual shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A", Landscape Concept Plan, on file in the Office of Planning and Development Review.

44. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

45. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A", Landscape Concept Plan, on file in the Office of Planning and Development Review.

46. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

47. All required landscape shall be maintained free of disease, weeds and litter at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
48. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way landscaping) consistent with the Landscape Standards Manual.
49. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

ENGINEERING REQUIREMENTS:

50. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the closure of the non-utilized driveway with City standard curb, gutter and sidewalk, on A Street, per Standard Drawings G-2, G-7, G-9 and SDG-100, satisfactory to the City Engineer.
51. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement on the existing curb with City standard curb and gutter, along the project frontage on A Street, per Standard Drawings G-2 and SDG-100, satisfactory to the City Engineer.
52. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of damaged sidewalk with City standard sidewalk, along the project frontage on A Street, per Standard Drawings G-7 and G-9, satisfactory to the City Engineer.
53. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of a City standard full width alley, approximately 100 foot in length measured from the westerly property line, per Standard Drawing G-21, satisfactory to the City Engineer.
54. Prior to the issuance of any building permits, the applicant shall obtain an encroachment removal agreement from the City Engineer for the private storm drains, landscaping, irrigation and appurtenances in the City right-of-way.
55. The drainage system proposed with this development is subject to approval by the City Engineer.
56. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
57. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
58. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days

of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

59. Prior to recording the Site Development Permit a subordination agreement will be required for the dedication of the drainage easement.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map (SELECT), may protest the imposition within 90 days of the approval of this development permit/tentative map (SELECT) by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the City Council of the City of San Diego on _____.

C:\dmautop\temp\02-271 Attachment 4.wpd
revised 8/29/02wct

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document _____
Date of Approval _____

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

DPM Name, Development Project Manager

On _____ before me, XXX, (Notary Public), personally appeared **DPM Name**, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____
XXX

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed _____ Signed _____
Typed Name Typed Name

STATE OF _____
COUNTY OF _____

On _____ before me, _____ (Name of Notary Public) personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____